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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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MINERALS PROGRAM  
FILE COPY

January 16, 1991

TO: Minerals File

FROM: Wayne Hedberg, Mineral Program Supervisor, and *HWS EDW*  
Holland Shepherd, Reclamation Specialist

RE: Meeting With Lon Thomas, Operator and Scott Isaacson, Attorney for  
Thomas American Stone, Aragonite Mine and Mill, M/045/031, Tooele  
County, Utah

A meeting was held the morning of January 16, 1991, to discuss the permitting and pending Board action concerning the unpermitted Aragonite mine and mill sites. The four individuals mentioned above were in attendance. Mr. Thomas was represented by his attorney during the meeting.

A Board Order to Show Cause, was issued to Mr. Thomas on January 10, 1991. The Order was issued, because of Mr. Thomas' alleged, blatant negligence in filing a Notice of Intent (NOI) for the sites mentioned above. Mr. Thomas and Mr. Isaacson were informed of the State's requirements for mining, and given copies of the rules and other pertinent information needed to complete an NOI.

Mr. Thomas informed us that he had not been made aware of the requirement to file an NOI. A Declaration of Exemption (DOE) had, in fact, been filed with the Division on March 23, 1979, by Walter Thomas, Lon Thomas' father. Mr. Thomas indicated that he thought that the DOE was still valid. The Division sent two letters (April 1989 and November 1988) to Walter Thomas after the change in the Statute, and eliminated the DOE. Apparently these letters were never received by him (and were subsequently returned to the Division as undeliverable).

Mr. Thomas indicated that he was quite willing and ready to do what was necessary to come into compliance with State requirements, now that he was aware that he needed to permit the site. He indicated that he would make an attempt to fulfill these obligations before January 24, 1991, the Hearing date. We indicated that permitting under a Large Mine NOI would take at least 2-3 months.

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We indicated to Mr. Thomas that he would be held responsible for any mining disturbance performed on the site as of December 1, 1988. This is the effective date that all active DOEs were instructed to come into compliance with the amended statute and regulations. Mr. Thomas indicated that his family purchased the property in 1976 and have been intermittently operating the mine and mill since that time. He stated he has been involved in operating the sites since August of 1988.

According to our discussions with Mr. Thomas and his attorney, there has been some discrepancy concerning the ownership of the site. This discrepancy has since evolved into a legal dispute. Apparently, Mr. Richard White and Mr. Thomas have been involved in legal battles for two years concerning ownership of the property. Apparently, the site was purchased in the spring of 1988 by Mr. White from Mr. Thomas, which involved a lease back agreement to Mr. Thomas.

Also, there appears to be some discrepancy involving the operator of the site. Mr. Thomas' family has been involved in operating the site for many years to the present. However, according to Mr. Thomas, Mr. White operated the site, for a brief time from April 1988 to August of 1988.

We explained to Mr. Thomas the difference in requirements for small mines and large mines, and indicated to him that we felt the mine and the mill sites were both over 5 acres. Mr. Thomas felt that after eliminating pre-law and DOE disturbances from the total, he would have two sites under 5 acres. Our ocular estimate of the disturbance of the mine site produced a 10-15 acre area of disturbance. We indicated to Mr. Thomas that before we could come up with a definite figure, for the disturbed acreage, we would need to meet on site and discuss areas not to be included in the estimate.

Mr. Thomas pointed out that the mine and mill are separated by 5 miles and considered as individual sites. We concurred and discussed developing different permits for the two sites, because of our policy on related or neighboring mine sites.

During the meeting, Mr. Isaacson pointed out that the Order to Show Cause may be invalid, because the mining disturbance is not located on the Aragonite Placer Mining Claims #1-10, as indicated on the Order. Mr. Isaacson indicated the mine is located on the patented Western Pacific claims. The Order does, however, contain the proper legal description for the mine site.



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Because the non-compliance situation at this site has evolved into a Board Order, we recommend that the Board take action against the operator to ensure that the area will be adequately permitted and that the existing environmental and public safety hazards be remedied in an expeditious manner. If the operation is to remain active, the Division should request that the Board require a temporary reclamation surety from the operator, to ensure a continued good faith effort until the total affected area can be affirmatively ascertained.

jb  
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